

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ELEAZER LOPES-FLORES,

Petitioner,

: Case No. 3:18-cv-330

- vs -

District Judge Walter H. Rice
Magistrate Judge Michael R. Merz

TIM SHOOP, Warden,
Pickaway Correctional Institution,

:

Respondent.

DECISION AND ENTRY

The Court has reviewed the Second Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 14), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on March 30, 2020, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the habeas corpus Petition herein be, and it hereby is, dismissed with prejudice. The Clerk is directed to enter a separate judgment to that effect pursuant to Fed.R.Civ.P. 58. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

April 8, 2020.

/s/ Walter H. Rice (tp - per Judge Rice authorization)
Walter H. Rice
United States District Judge